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January 2, 2025

Honorable Brian M. Cogan (VIA ECF)
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Sacco & Fillas LLP v. TD Bank, N.A., Case No. 1:24-cv-07398-BMC

Dear Judge Cogan,

We represent defendant TD Bank, N.A. (“**TD Bank**”). Pursuant to Section I.E of Your Honor’s Individual Practices, we write to respectfully request a thirty-day (30) extension of the current briefing and discovery deadlines set forth in the Court’s December 3, 2024 Order. The extension is necessary to allow the parties to continue discussions and information exchanges that began before the holidays with the goal of resolving this matter amicably. Plaintiff has advised that it consents to this request.

During the December 3, 2024 status conference, the Parties discussed the background of Plaintiff’s claims, which concern allegations that an unknown third party intercepted a series of checks (the “**Checks**”), issued by the United States Treasury and payable to Plaintiff and deposited them into a TD Bank account that had been fraudulently opened and maintained under Plaintiff’s name. The Complaint further alleges TD Bank allowed the unknown party to withdraw and abscond with the funds from the Checks.¹ At the conclusion of the conference, the Court encouraged the Parties to continue their dialogue and entered an Order setting the following deadlines:

- December 13, 2024 - Plaintiff to file an amended complaint, if any.
- January 6, 2025 – TD Bank to file its motion to dismiss.

¹ During the December 3, 2024 status conference, Plaintiff advised its understanding that some of the checks were deposited with other financial institutions and then returned to the IRS.

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- January 20, 2025 – Plaintiff to file its opposition.
- January 27, 2025 - TD Bank to file its reply.

On December 7, 2024, we reached out to counsel for Plaintiff to advise that on November 6, 2023 the Internal Revenue Service (“**IRS**”) had delivered to TD Bank a reclamation notice for the check that was deposited with TD Bank and then debited the funds from TD Bank’s account on or about December 7, 2023. Counsel for Plaintiff has requested additional information regarding the debited funds and TD Bank is attempting to obtain that information. The parties continue to discuss a resolution to this litigation that may obviate the need for an amended complaint and motion practice.

No prior requests for an adjournment have been requested by the parties. Should the Court grant this request, the January 31, 2025 end date for discovery concerning the transaction at issue should also be extended an additional 30 days. No other scheduled dates before the Court would be affected by this request.

Respectfully submitted,

s/ Nelson M. Stewart

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CERTIFICATE OF SERVICE

I, Nelson N. Stewart, Esq., hereby certify that on January 2, 2025, the foregoing was filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System by counsel of record below.

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Dated: January 2, 2025

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